THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.16198 of 2006

18.08.2006

Between:

Andey Venkata Krishna Challa Rao

..Petitioner

And

The State of Andhra Pradesh, rep. by its Secretary to Revenue Department, Secretariat, Hyderabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16198 of 2006

ORDER:

The petitioner is a resident of Narinamerakala Village, Elamanchili Mandal, West Godavari District. He alleges that he has been in occupation of land admeasuring Acs.0.13 cents in RS.No.471/1 situated at Viddilanka Village, since 1970, where he has planted coconut trees for eking out his livelihood. He made a representation to the respondents for grant of patta, in vain. He alleges that the fourth respondent informed him that he is likely to be evicted and the patta will be granted to some others. Therefore, he filed the present Writ Petition seeking a *Mandamus* declaring the action of the respondents in trying to evict him, as illegal and arbitrary.

At the admission stage itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that after following due process of law, a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 ("the Act", for brevity) was issued, and subsequently, an order under Section 6 of the Act was passed for eviction of the petitioner. Therefore, the petitioner may approach the Mandal Revenue Officer and obtain a copy of the order/proceedings issued under the Act and file an appeal before the third respondent. As the writ petition is filed without challenging the order passed under the Act, no interference is called for in this writ petition.

The Writ Petition, with the above observation, is accordingly dismissed. No order as to costs.

_____

(V.V.S.RAO, J)

18.08.2006

GJ